

ENTERED

September 05, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL ACTION NO. 2:12-CR-868
	§	
JORGE RIOS-SANDOVAL	§	

ORDER DENYING MOTION TO PROCEED *IN FORMA PAUPERIS*

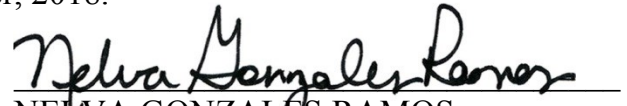
Jorge Rios-Sandoval filed a motion to proceed *in forma pauperis* on appeal (D.E. 41). Rios-Sandoval pleaded guilty to being a deported alien unlawfully present in the United States without first obtaining consent to reapply for admission, in violation of Title 8, United States Code, Section 636(b)(3). On January 10, 2013, he was sentenced to a term of forty-one (41) months (D.E. 12, 13, 15, 21). Rios-Sandoval filed a notice of appeal the same day (D.E. 20). On March 25, 2013, the appeal was dismissed after Rios-Sandoval moved to do so (D.E. 36).

On July 24, 2018, Rios-Sandoval, proceeding pro se, filed a second notice of appeal (D.E. 37) and on August 20, 2018, he filed a motion to proceed *in forma pauperis* (D.E. 41). In order to be timely, a notice of appeal must be filed within fourteen days after the later of the entry of either the judgment or the order being appealed or the filing of the government's notice of appeal. Fed. R. App. Proc. 4(b)(1). "Although not jurisdictional, the time limits in Rule 4(b)(1)(A) are mandatory claims-processing rules." *United States v. Pesina-Rodriguez*, 825 F.3d 787, 788 (5th Cir. 2016). While the filing deadline may be waived, Rios-Sandoval filed his notice of appeal more than five years after entry of judgment and has offered neither evidence nor argument to support a claim

for waiver of the deadline. Thus, the Court finds that his appeal is not taken in good faith, pursuant to Federal Rule of Appellate Procedure 24(a)(4)(B).

Accordingly, Rios-Sandoval's motion to appeal *in forma pauperis* (D.E. 41) is DENIED.

ORDERED this 5th day of September, 2018.


NEELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE